

§Appl. No. 10/070,497
Amdt. dated November 5, 2007
Reply to Office Action of, May 3, 2007

REMARKS

The Amendments

Claims 11, 12 and 20 are amended to make minor non-substantive corrections. The amendments do not narrow the scope of the claims and/or were not made for reasons related to patentability. The amendments should not be interpreted as acquiescence to any objection or rejection made in this application.

Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

The Rejection under 35 U.S.C. §103

The rejection of claims 1-3, 9-12, 14-18 and 20-24 under 35 U.S.C. §103, as being obvious over Ho (U.S. Patent No. 5,805,298) in view of Tiller (U.S. Patent No. 5,568,563), is respectfully traversed.

Ho was discussed in the previous Office action and that discussion is incorporated by reference herein. The claims were previously rejected over Ho alone and that rejection was overcome by those previous arguments. The arguments which were found to distinguish Ho are summarized as follows.

Ho fails to disclose a method for establishing e-mail communication and sending e-mail through a PSTN "without the need of being connected to the Internet." Compare the quoted recitation in claim 1; see also page 1, lines 9-11, of applicants' specification. Ho fails to disclose or suggest a method or system whereby a sender can send email to a receiver directly exclusively along a PSTN without routing via the Internet. By contrast, Ho requires the Internet [see Fig. 1, box 112] to perform email communication between two devices or users [Fig. 1, box 100, box 104, box 105]. See also, col. 3, lines 43-47 and 61-63, of Ho stating that a "Router typically transmits and receives electronic mail messages" and that "Remote Mail Servers, seen at 110-111, each implement electronic mail boxes of the type seen at 104-105 to receive electronic mail messages." In describing the functioning of the device, Ho states that upon identifying an email address "the communications device establishes a SLIP/PPP connection with the Router 107." As shown in Fig. 1, the Router and Remote Mail Servers are entities connected to the Internet. Figure 3 of Ho further shows that an email [box 304] is sent via the Internet [box 312]. The Office action (page 3, first paragraph) acknowledges that Ho fails to teach performing its connection without need of the internet and the rejection over Ho alone was withdrawn.

In view of the deficiencies of Ho, Tiller was cited and alleged to disclose the idea of providing e-mail communication over the PSTN without the need of being connected to the Internet; citing Abstract and col. 7, lines 20-25. Although Tiller does not actually mention use of the internet, there is no suggestion from the reference that there is a direct PPP connection through the PSTN between sender and receiver. Tiller is directed merely to the receiver device

in the system, particularly a personal communications device (apparently of the type now exemplified by a Blackberry). Tiller is directed to an “option attach connector” for such device. This “option attach connector” is used to determine whether incoming signals are from telephone, fax or email (modem). See, e.g., col. 3, line 40, to col. 4, line 2. Tiller discloses nothing regarding a sender device. Thus, Tiller, like Ho, provides no disclosure or suggestion of “establishing e-mail communication between a sender device and a receiver device which both have access to the Public Switched Telephone Network, without the need of being connected to the Internet” or “establishing a data link, and point-to-point (PPP) connection between the sender and receiver devices.” Since Tiller does not indicate how the signal – when it is an email signal – that is received at the “option attach connector” is sent, the only reasonable interpretation is that the e-mail was sent via the internet. In the absence of an indication otherwise, one of ordinary skill in the art could only assume that the term e-mail refers to e-mails sent via the internet, unless there is some indication to the contrary. The drawings, e.g., Figs. 5, and disclosure of Tiller only discuss the receiver device. There is no discussion of the sender device. Since the standard for e-mail is via the internet, the only reasonable interpretation when Tiller refers to e-mail is that it is e-mail through the internet.

Accordingly, applicants urge that Tiller fails to address the established deficiencies of Ho to teach or suggest the claimed invention. Tiller, like Ho, provides no suggestion of a method/system for email communication between sender and receiver devices using the PSTN without need of the Internet.

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The combined teachings of Ho and Tiller provide no suggestion of modifying the methods/systems taught therein so as to provide email communication exclusively between two users or devices using the PSTN without need of the Internet. As known by one of ordinary skill in the art, transmission via the Internet is inherently insecure because data is not routed directly between the sender and the recipient. It is known that data sent through the Internet can be intercepted and recorded by servers in countries which do not maintain relevant privacy laws. The present invention offers a more secure method of sending email, the advantages of which could not have been expected in view of Ho and Tiller. Other advantages of the claimed invention are discussed, for example, at page 6, line 18, to page 7, line 9, and elsewhere in the disclosure. There is no incentive to arrive at the present invention or achieve the advantages thereof in view of Ho and Tiller. The references give no hint to direct PSTN emailing and no solution to the problem of providing secure transmission of data between two parties.

For all of the above reasons, it is urged that the combined teachings of the references fail to provide a supportable basis for an obviousness rejection of the claims and the rejection under 35 U.S.C. §103 should be withdrawn.

It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

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The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/John A. Sopp/

John A. Sopp, Reg. No. 33,103

Millen, White, Zelano & Branigan
Arlington Courthouse Plaza
2200 Clarendon Blvd.
Suite 1400
Arlington, VA 22201
(703) 812-5309

Date: November 5, 2007